

TENNESSEE REGULATORY AUTHORITY



Pat Miller, Chairman
Deborah Taylor Tate, Director
Sara Kyle, Director
Ron Jones, Director

460 James Robertson Parkway
Nashville, Tennessee 37243-0505

NOTICE OF FILING COMMENTS

DOCKET NO: 00-00873

IN RE: Rulemaking Amendments of Regulations for Telephone Service Providers

DATE: September 14, 2004

At the regularly scheduled Authority Conference held on September 13, 2004, the Directors considered proposed amendments to TRA Rule 1220-4-2-.07. During deliberations, Director Ron Jones presented several modifications to the proposed rules. BellSouth Telecommunications, Inc. ("BellSouth") requested an opportunity to review Director Jones' modifications and file written comments. BellSouth's request was granted and the Directors determined that any interested persons could likewise file written comments. Therefore, any interested persons or entities who wish to file written comments as to the attached proposed modifications to TRA Rule 1220-4-2-.07, shall do so no later than **Monday, September 20, 2004 at 2:00 p. m.**

FOR THE TENNESSEE REGULATORY AUTHORITY

Pat Miller, Chairman

cc: Interested parties
original in docket file

Docket No. 00-00873: *In re: Tennessee Regulatory Authority Telephone Service Standard Rules*

Director Jones's Proposed Rule Revisions:

1220-4-2-___ Obligations of Resellers and Underlying Carriers of Local Service upon the Termination of Service

- (1) The purpose of this rule is to protect those customers who are obtaining their local service from resellers from termination of their service without adequate notice. Because of the public safety implications, local service providers shall have additional obligations as listed below.
- (2) This rule applies to any local telecommunications reseller that ceases the provision of any telecommunications service in all or any portion of the state of Tennessee. This rule does not apply to:
 - (a) Cessation of a service when a reseller replaces the terminated service with comparable service without interruption as long as such change is in compliance with Rule 1220-4-2-.56; and
 - (b) Discontinuance of a service that has no subscribers.
- (3) No underlying carrier shall terminate local service to a reseller until the following requirements are met:
 - (a) The underlying carrier shall provide no less than thirty (30) days written notice to the reseller and the Authority that service will be terminated on a date certain along with the reason(s) for such action. ~~A copy of such written notice shall be timely provided to the Authority.~~
 1. Notwithstanding the above, where the underlying carrier alleges fraud, abuse, or unreasonable interference with the underlying carrier's network, the underlying carrier is allowed to disconnect the reseller after a two (2) business day notice to the Authority, unless the Authority chairman specifically orders otherwise prior to disconnection. If this emergency provision is invoked, the underlying carrier shall ~~may~~ be required to comply with the underlying carrier's service continuity plan per section (5).
 - (b) No less than fourteen (14) days prior to the date of disconnection, ~~Within ten (10) days of receipt of the underlying carrier's written disconnection notice to the reseller,~~ the reseller shall notify its customers advising that their service will be terminated on a day

certain. Such notice shall be no less than fourteen (14) days prior to the date of disconnection. The notice shall advise end-users of the following:

1. Advise its customers of the need to choose another local telecommunications service provider to continue service after a date certain; and
 2. Provide customers any and all relevant information, if available, that may assist the customers in selecting another local telecommunications service provider.
- (c) If the reseller fails to fulfill its obligations under section (3)(b), the Authority will notify the reseller's customers seven (7) days prior to termination of the reseller's local service and recover costs associated with such a notice from the reseller.
- (4) Additional Local Service Obligations for Resellers:
- (a) Upon request, The reseller must provide the Authority and the underlying carrier any and all relevant information, including but not limited to its customers' names and telephone numbers to ensure that end-user customers will not experience service outage. The reseller must use its best efforts to provide timely and accurate information to the Authority and the underlying carrier.
 - (b) The reseller must file a copy of its notice or the text of the voice message to its customers with the Authority within the fourteen (14) day time period required in 3(b).
 - (c) The reseller shall refund to its customers any credits due as a result of the termination of service within thirty (30) days of the termination of the service. The reseller shall provide information to its customers on how such credits will be determined and distributed.
- (5) Additional Local Service Obligations for Underlying Carriers:
- (a) Within 60 days of the effective date of this rule, telecommunications service providers with an obligation to resell telecommunication services or tariffs providing for resell of ~~agreements to resell~~ basic local exchange telecommunications service shall file a tariff with the Authority which outlines a service continuity plan consistent with this Rule Chapter and, at a minimum, shall contain the following provisions.

- (1) The service continuity plan shall go into effect at the time an underlying carrier terminates a reseller's service. The Authority shall grant a request for waiver of this subparagraph upon a showing of good cause.
- (2+) The underlying carrier shall provide, at a minimum, basic local exchange service, as defined in Tenn. Code Annotated § 65-5-208, to the customers of the reseller for at least seven (7) days following disconnection of the reseller's service, or until the customer selects another provider of local service, whichever is less. ~~If a customer selects a new service provider, the underlying carrier may charge the new provider for the service provided at the tariffed rate.~~
- (3) If a customer selects a new service provider, the underlying carrier may charge the new provider for the service provided at the tariffed rate.
- ~~(2) Within the seven (7) days after termination of service of the reseller, the customer must make an affirmative choice to stay with either the underlying carrier or select another carrier. The underlying carrier is not obligated to provide service to the customer after the seven (7) day transition period. Service may be terminated after the seven (7) day transition period unless the end user has either transitioned to a new service provider or has placed an order to transition to the underlying carrier.~~
- (b) Should the reseller fail or refuse to provide notice to its customers as required in (3) above, the underlying carrier shall provide reasonable assistance to the Authority in notifying the customers of the reseller.
- (6) Violation of this rule, including failure to provide customer notice in (3), shall be subject to the provisions and penalties of Tenn. Code Ann. § 65-4-120.